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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,902	11/18/2003	Robert Jeffrey Parrott	16087-1US PJF/h	3975
7590	05/19/2005		EXAMINER MILLS, DANIEL J	
Ogilvy Renault Suite 1600 1981 McGill College Avenue Montreal, QC H3A 2Y3 CANADA			ART UNIT	PAPER NUMBER
			3679	
DATE MAILED: 05/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/714,902	Applicant(s) PARROTT, ROBERT JEFFREY	
	Examiner Daniel J. Mills	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/18/2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawing Objections

The drawings are objected to because of improper or missing crosshatching in figure 3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 (line 2) recites "three set screws disposed coaxially relative to the front disk". It is unclear as to how the three set screws can be coaxial relative to the front disk as claimed. To be coaxial would mean that the three set screws were positioned on the same axis as the front disk, which is not represented in the drawings. It appears applicant intended to recite --three set screws arranged in a circle around the center of the front disk, and inserted perpendicularly into the disk--. For the purpose of examining the application, it is assumed that the applicant intended this by claim 3.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 rejected under 35 U.S.C. 103(a) as being unpatentable over Pausch (US 5,143,468) in view of Kim (US 6,092,334) and Hung (US 6,789,976).

As to claim 1, Pausch discloses an articulable joint for use with at least two support arms, the joint comprising a front disc (40) and rear disc (41), each connected to respective support arms (22), the front disc rotatively connected to the rear disc around a bolt (50); pressure application means (54), releasably connected to the front disc and extending there through for applying adjustable pressure to the ball bearings (57), thereby adjusting frictional resistance to rotation of the front disc relative to the rear disc.

Pausch fails to disclose a shoulder bolt as the connecting means between front and rear discs.

Kim teaches the use of a shoulder bolt (28, Fig 2) to rotatively connect front and rear sides of an articulating joint in order to maintain a gap (column 4 line10) between a front disk (52, Fig 2) and rear disk (6, Fig 2). Accordingly, it would have been obvious to one having ordinary skill in the articulating joint art at the time of applicant's invention, to modify a joint as disclosed by Pausch to utilize a shoulder bolt to maintain a gap between the disks comprising the joint.

Pausch fails to disclose a clutch washer positioned between the front and rear disks, acted on by the pressure application means, and having sockets for retaining ball bearings.

Hung teaches the use of a clutch washer (50 Fig 6A) located between the front (41) and rear (20) discs, the clutch washer having front surface (55) abutting the front disc and a rear surface (52) located adjacent the rear disc, the rear surface of the washer having a plurality of spaced apart sockets (53 Fig 5), each socket configured for receiving a ball bearing (45) therein; and pressure application means (the combination of 43 and 42), releasably connected to the front disc and extending there through engaging the clutch washer for applying adjustable pressure to the clutch washer, thereby adjusting frictional resistance to rotation of the front disc relative to the rear disc. Hung teaches the use of a clutch washer to secure the ball bearings and allow the pressure application means to act on the bearings. Accordingly, it would have been obvious to one having ordinary skill in the articulating joint art at the time of applicant's invention, to modify a joint as disclosed by Pausch to utilize a clutch washer to secure the ball bearings and allow the pressure application means to act on the bearings.

As to claim 2, Pausch discloses an articulating joint according to claim 1, wherein the pressure application means comprises a plurality of set screws (54).

As to claim 3, Pausch discloses an articulating joint according to claim 1, wherein the pressure application means comprises three set screws (Pausch discloses at least three of numeral 54) arranged in a circle around the center of the front disk, and inserted perpendicularly into the disk from the front side.

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As to claim 4 Pausch discloses an articulating joint according to claim 1 with a bolt attaching front (40) and rear (41) disks.

Pausch fails to disclose a shoulder bolt that is fixed attached to the rear disk.

Kim teaches the use of a shoulder bolt (28) fixedly attached to the rear disc (by 30) to prevent relaxation of the bolt (column 4 line12). Accordingly, it would have been obvious to one having ordinary skill in the articulating joint art at the time of applicant's invention, to modify a joint as disclosed by Pausch to utilize a shoulder bolt fixedly attached to the rear disk to prevent relaxation of the bolt.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Held (US 687,750), Oellrich (US 1,180,669), McCann (US 2,037,992 and US 2,134,288), Spracklen (US 2,092,894), Horn (US 3,601,598), and Lu (US 5,713,63) are cited for pertaining to adjustable rotating joints.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Mills whose telephone number is 571-272-8115. The examiner can normally be reached M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached at 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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05/11/2005